

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 249A.4(9), the Department of Human Services amends Chapter 77, “Conditions of Participation for Providers of Medical and Remedial Care,” Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” and Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code.

These amendments add Medicaid coverage for behavioral health services provided by a licensed marital and family therapist (LMFT), a licensed independent social worker (LISW), or a licensed master social worker (LMSW) practicing under the supervision of an LISW. These changes were mandated by 2008 Iowa Acts, Senate File 2425, section 123.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on July 16, 2008, as **ARC 6929B**. The Department received one comment on the Notice of Intended Action, which noted that the legislation specifies that an LISW must hold a master’s degree.

To address this concern, the Department has modified subrule 77.26(3) to add the requirement that an LISW must hold a master’s or doctoral degree as approved by the Board of Social Work. The Department has also changed the reference to the licensing category cited in subrule 77.26(2) to read “an independent social worker” instead of “an independently practicing social worker” to conform to the term used in 645—Chapter 280. Additionally, the implementation sentence for rule 441—77.26(249A) has been modified since the Notice to include a reference to 2008 Iowa Acts, Senate File 2425, section 123.

These amendments do not provide for waivers in specified situations because the Department holds that all providers should be subject to the same standards. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments on October 8, 2008.

The Department finds that these amendments confer a benefit on therapists and social workers and on Medicaid members in need of their services by providing Medicaid coverage for those services. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these amendments is waived.

These amendments are intended to implement Iowa Code chapter 249A as amended by 2008 Iowa Acts, Senate File 2425, section 123.

These amendments shall become effective on December 1, 2008.

The following amendments are adopted.

ITEM 1. Adopt the following **new** rule 441—77.26(249A):

441—77.26(249A) Behavioral health services. The following persons are eligible to participate in the Medicaid program as providers of behavioral health services.

77.26(1) Licensed marital and family therapists (LMFT). Any person licensed by the board of behavioral science as a marital and family therapist pursuant to 645—Chapter 31 is eligible to participate. A marital and family therapist in another state is eligible to participate when duly licensed to practice in that state.

77.26(2) Licensed independent social workers (LISW). Any person licensed by the board of social work as an independent social worker pursuant to 645—Chapter 280 is eligible to participate. An independent social worker in another state is eligible to participate when duly licensed to practice in that state.

77.26(3) Licensed master social workers (LMSW).

a. A person licensed by the board of social work as a master social worker pursuant to 645—Chapter 280 is eligible to participate when the person:

- (1) Holds a master’s or doctoral degree as approved by the board of social work; and
- (2) Provides treatment under the supervision of an independent social worker licensed pursuant to 645—Chapter 280.

- b.* A master social worker in another state is eligible to participate when the person:
- (1) Is duly licensed to practice in that state; and
 - (2) Provides treatment under the supervision of an independent social worker duly licensed in that state.

This rule is intended to implement Iowa Code chapter 249A as amended by 2008 Iowa Acts, Senate File 2425, section 123.

ITEM 2. Adopt the following **new** rule 441—78.29(249A):

441—78.29(249A) Behavioral health services. Payment shall be made for medically necessary behavioral health services provided by a participating marital and family therapist, independent social worker, or master social worker within the practitioner’s scope of practice pursuant to state law and subject to the limitations and exclusions set forth in this rule.

78.29(1) Limitations.

- a.* An assessment and a treatment plan are required.
- b.* Services provided by a licensed master social worker must be provided under the supervision of an independent social worker qualified to participate in the Medicaid program.

78.29(2) Exclusions. Payment will not be approved for the following services:

- a.* Services provided in a medical institution.
- b.* Services performed without relationship to a specific condition, risk factor, symptom, or complaint.
- c.* Services provided for nonspecific conditions of distress such as job dissatisfaction or general unhappiness.
- d.* Sensitivity training, marriage enrichment, assertiveness training, and growth groups or marathons.

78.29(3) Payment.

- a.* Payment shall be made only for time spent in face-to-face consultation with the member.
- b.* A unit of service is 15 minutes. Time spent with members shall be rounded to the quarter hour, where applicable.

This rule is intended to implement Iowa Code section 249A.4.

ITEM 3. Amend subrule **79.1(2)** by adopting **new** provider category “Behavioral health services,” in alphabetical order, as follows:

Provider category	Basis of reimbursement	Upper limit
Behavioral health services	Fee schedule	Fee schedule.

ITEM 4. Adopt the following **new** subparagraph **79.3(2)“d”(39)**:

(39) Behavioral health services:

1. Assessment.
2. Individual treatment plan.
3. Service or office notes or narratives.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/5/08.